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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1333rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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GE.99-43530 (E)

The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the fifty-fifth session of the Committee on the Elimination of Racial Discrimination. He welcomed Mr. Gaham, Acting Chie of the Support Services Branch, Office of the United Nations High Commissione for Human Rights, and invited him to make a statement.

STATEMENT BY THE ACTING CHIEF OF THE SUPPORT SERVICES BRANCH, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. GAHAM (Acting Chief, Support Services Branch) wished the Committee every success during its current session, speaking also on behalf of the High Commissioner and Deputy High Commissioner for Human Rights, who were unfortunately unable to attend the current meeting. Since the Committee's previous session, Georgia and Indonesia had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The number of State ratifications, currently 155, brought the latter instrument u to third place among the six fundamental human rights instruments, after the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The Secretary-General and the High Commissioner for Human Rights had constantly stressed their commitment to strive for universal ratification; to that end, the Office of the High Commissioner had intensified its cooperation with other United Nations partners, especially the United Nations Development Programme (UNDP), inter alia by planning six regional and national workshops to promote universal ratification within the next two years. The growing number of ratifications entailed a heavier workload for the treaty bodies and would cal for additional resources; the innovative measures some treaty bodies had already taken and their recognition of the need for continuous reform to meet present and future challenges were most welcome.

3. The Committee had in many respects been in the forefront in developing working methods so as to fulfil its responsibilities efficiently, especially by organizing its sessional work in such a way as to leave virtually no backlog and enable all reports to be considered normally within a year. The Committee had also recognized the need to look beyond State parties' periodic reporting obligations, notable examples being its prevention efforts including early warning and urgent measures and innovative action such as the statement issued during the Committee's previous session on the Kurdish people's identity and fundamental rights. A further illustration of the Committee's positive approach was the input of many of its members to the sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Relate Intolerance - a matter which the High Commissioner would like to address wit the Committee later in its current session.

4. There had also been progress elsewhere. At the request of the treaty bodies, the Office of the High Commissioner had prepared a Plan of Action to strengthen implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the International Convention on the Eliminati

of All Forms of Racial Discrimination. A draft had been considered by the treaty bodies concerned and discussed in depth at the previous meeting of persons chairing human rights treaty bodies, and the plan should be operational very soon. In that regard, he expressed his personal appreciation of the valuable contributions made by several members of the Committee.

5. Other ideas and suggestions put forward at the meeting of chairpersons included a proposal to prepare a handbook for States parties to present the core elements of treaty body "jurisprudence" in the broadest sense of the term, and the proposed establishment of an ad hoc joint working group, consisting of designated members of the treaty bodies concerned, with a view to drafting common reporting guidelines with regard to some of the human rights instruments' common provisions. The Committee might wish to comment on such ideas.

6. At a recent meeting in Geneva, the workshop on the integration of a gender perspective into the human rights system, convened jointly by the Office of the High Commissioner for Human Rights, the United Nations Division for the Advancement of Women and the United Nations Development Fund for Women, had inter alia commended the practice of some treaty bodies, the Committee against Torture for example, in designating a member to serve as a focal point for gender issues - a practice which the Committee might wish to adopt.

7. Pursuant to the General Assembly's recent decision, the Committee's summer session had been extended by one week on a trial basis. The Committee could rest assured of the continuous support of the High Commissioner and himself for the Committee's valuable work and best wishes for success in dealing with its additional workload, including its tasks relating to the forthcoming World Conference. In all such efforts the Committee's role was decisive.

8. The CHAIRMAN thanked the Acting Chief of the Support Services Branch for his statement.

9. Mr. SHERIFIS said that he appreciated the presence of a representative of the High Commissioner. He was pleased to note that the number of States parties to the Convention had increased, and that the High Commissioner would be able to meet the Committee during its current session. It was important that such a meeting should take place at least once during each session so as to facilitate a general exchange of views, inter alia on issues pertaining to her office, including her views on the experience acquired since she had assumed it. It would also be helpful for the members of the Committee to have a contact list of senior officials in the Office of the High Commissioner.

10. Mr. RECHETOV said that the statement made by the Acting Chief of the Support Services Branch touched on a number of matters of great concern to the Committee. He endorsed the previous speaker's wish that the High Commissioner for Human Rights should meet the Committee during the current session, not only for general comments but for a detailed exchange of information and

views. He greatly appreciated her activity, including her invaluable visit to the Russian Federation and her unbiased approach to the human rights situation in Kosovo.

11. Mr. FERRERO COSTA endorsed the previous speakers' welcoming words to the Acting Chief of the Support Services Branch and their wish that the High Commissioner should meet the Committee at its current session. Such a meeting might perhaps feature as a regular item on the agenda of each session. It would be useful for the Committee to be informed in good time when the meeting would take place so that the discussion could be as fruitful as possible.

12. The CHAIRMAN said that all members of the Committee doubtless shared the views expressed by the three previous speakers, although meetings with the High Commissioner need not always be held on a formal basis; a recent meeting of persons chairing human rights treaty bodies had benefited from informal, unrecorded discussions with the High Commissioner.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/366)

13. The CHAIRMAN suggested that the Committee should adopt the provisional agenda contained in document CERD/C/366, while giving the Bureau the discretion to adjust the timetable of work as necessary.

14. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

15. Mr. GARVALOV, referring to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, said that he hoped that the Committee would discuss the conclusions of the open-ended working group of the Commission on Human Rights which had been set up to discuss the World Conference against Racism. A three-member contact group from the Committee had attended the working group's meeting, and its report (CERD/C/55/Misc.5) was before the Committee.

16. In reply to a question by Mr. SHERIFIS, the CHAIRMAN said that, in the annotations to the agenda (CERD/C/366), the general debate scheduled for Friday, 6 August and Monday, 9 August was listed under the agenda item "Organizational and other matters".

17. Mr. WOLFRUM said that he was Country Rapporteur for Azerbaijan, whose report (CERD/C/350/Add.1) was due for consideration on Wednesday, 18 August and Thursday, 19 August. He asked whether it would be possible to reschedule consideration of Azerbaijan's report, as he had just learned that he would have to leave Geneva at the end of the second week of the session.

18. He had received a letter from the Australian Embassy in his country relating to the Committee's debate on Australia at its previous session. He hoped that the Committee would find time to discuss the letter during the current session.

19. The CHAIRMAN said that consideration of Azerbaijan's report could only be rescheduled if the State party were able to attend on the new date. The alternatives would be to ask another member to act as country rapporteur, or to postpone consideration of the report until a later session. Every member of the Committee had received the same letter from the Government of Australia, and the Bureau would certainly try to find a time when the issue could be discussed thoroughly.

20. Mr. van BOVEN recalled that the Committee had asked the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities) to prepare a study on the rights of non-citizens of a State, as well as a study on affirmative action. The rapporteur of the Sub-Commission, Mr. Weissbrodt, had now completed his working paper (E/CN.4/Sub.2/1999/7), and it seemed only right that the Committee should consider the working paper and give its views. If members wished, he would prepare a few comments about the paper and submit them to the Committee.

21. He hoped that the Committee would find time to consider the proposed amendments to its reporting guidelines (see document CERD/C/55/Misc.3) and the proposed general recommendation on gender-related dimensions of racial discrimination (CERD/C/55/Misc.12), particularly since the proposals submitted at the previous session had not been discussed owing to lack of time.

22. The CHAIRMAN thanked Mr. van Boven for offering to prepare comments on the Sub-Commission's working paper on the rights of non-citizens. He invited Mr. van Boven to submit any specific proposal he might have concerning the amendments to the general guidelines and the draft general recommendation on gender issues.

23. Mr. SHAHI said that the Committee must devote adequate time to the preparations for the World Conference against Racism. There had not been enough time to discuss the issue in detail at recent sessions. The Committee was expected to provide considerable input into the World Conference, which was closely connected with its own mandate.

24. The CHAIRMAN said that the Committee's contribution to the preparations for the World Conference, including its studies and reports and the work of the three-member contact group, had been greatly appreciated by the other bodies involved.

25. Mr. RECHETOV said that, at the request of a number of international organizations, he had prepared a draft convention on the right to self-determination of peoples, which had been the subject of preliminary discussions at conferences in Moscow and Prague. He felt that the subject was of interest to the Committee, and he would be prepared to speak on it briefly at an appropriate time.

26. The CHAIRMAN said that the Committee would doubtless be interested to hear about the draft convention although, in his personal opinion, it did not strictly fall within the Committee's mandate.

27. One member of the Committee, Mr. Nobel, would be unable to attend the current session for health reasons. He suggested that he should write to Mr. Nobel on behalf of the Committee to wish him a speedy recovery.

28. It was so decided.

29. The CHAIRMAN suggested that the meeting should be suspended to allow the Bureau to meet informally.

The meeting was suspended at 11 a.m. and resumed at 12.10 p.m.

30. The CHAIRMAN said that, at its informal meeting, the Bureau had approved the proposed programme of work contained in document CERD/C/55/Misc.1/Rev.3, except for two points. The report of Azerbaijan (CERD/C/350/Add.1) was due to be considered on 18 and 19 August, with Mr. Wolfrum as Country Rapporteur, and the report of the Dominican Republic (CERD/C/331/Add.1) on 23 and 24 August, with Mr. Ferrero Costa as Country Rapporteur, but both members would be obliged to leave Geneva before the reports were considered. Consideration of the reports could not be rescheduled without the agreement of the countries concerned, and thus far the secretariat had been unable to contact them. If consideration could not be rescheduled, the Committee could either postpone it to a later session, which he personally did not consider a good idea, or ask another member to take over as country rapporteur. He would keep the Committee informed of any developments.

31. Mr. RECHETOV said that it would look very bad if the Committee was unable to consider a State party report for its own administrative reasons, particularly since it had just been granted a longer session. He suggested that the country rapporteurs should brief another member to take their place or, failing that, should submit their comments in writing.

32. The CHAIRMAN said that, if Mr. Wolfrum and Mr. Ferrero Costa agreed, they should find another member to take their place as country rapporteur for the reports of Azerbaijan and the Dominican Republic, and provide them with all available information.

33. It was so decided.

The meeting rose at 12.20 p.m.